

## REMARKS

Receipt of the Office Action of January 4, 2008 is gratefully acknowledged.

Claims 10 - 19 have been re-examined in view of the filing of the RCE application. As a result, the examiner has now advanced a rejection of claims 10 - 19 under 35 USC 103(a) over Gillen in view of Stinus et al

In rejecting claim 10, the only independent claim, for example, the examiner states that "Gillen discloses all the subject matter as described above [the specifically defined elements of claim 10] except for specifically teaching that at system start, both hardware and software are configured on said reprogrammable logic device LD.....said sensor module SM." This feature, according to the examiner is taught by Stinus.

Applicant cannot agree.

Stinus et al refers to a programmable field mounted device. In order to program the device **during operation**, the device has at least two memory areas, an activated first memory area storing a first programmable configuration and a deactivated second memory area storing a second programmable configuration. As in the case of Gillen, Stinus et al only refers to the reconfiguration of software. There is no disclosure that a reprogrammable logic device should be used for software and hardware, enabling the change of software **and** hardware to create a completely different type of field device.

Since the present invention, as is claimed by claim 10, calls for reprogrammable software and hardware, and since neither Gillen nor Stinus et al teach this feature, there is then no basis for concluding that claim 10, and those claims which depend therefrom, are unpatentable under 35 USC 103 (a). A teaching basis is necessary, and none exists in the art of record.

Claim 10 has been further amended in a very minor manner to insure clarity. The substance of claim 10 has in no way been altered.

In view of the foregoing, reconsideration and reexamination are again respectfully requested and claim 10 - 19 allowed.

Respectfully submitted,  
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